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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/087,500	03/01/2002	Jeffrey W. Ronne	GP-301390	3019

7590 11/23/2004

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EXAMINER


ROSENBERG, LAURA B

ART UNIT PAPER NUMBER

3616

DATE MAILED: 11/23/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/087,500	Applicant(s) RONNE ET AL.	
	Examiner Laura B Rosenberg	Art Unit 3616	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 September 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5 and 7-11 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5 and 7-11 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This office action is in response to the amendment filed on 17 September 2004.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-5 and 7-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lubera et al. (2001/0046426 A1) in view of Tajima et al. (6,485,048). In regards to claims 1, 7, and 10, Lubera et al. disclose a snap-in air bag assembly (#304) for a vehicle (#300) having a roof rail, comprising an air bag module (#304) including an air bag inflator (#324) and an air bag (#336, not labeled in figure 15) with at least one cushion retention tab (#340), a snap-in clip (#10a) permanently attachable (via wing members #100 and flange #62) to a vehicle structure (#308) and selectively attachable (via #74) to the at least one cushion retention tab, the snap-in clip including a fastening portion (helical lip #72), and a removable serviceability attachment feature (fastener #74) for attaching the air bag module at the at least one cushion retention tab to the snap-in clip by fastening the serviceability attachment feature to the fastening portion of the snap-in clip (paragraph 0042, lines 1-4), and for selectively detaching the air bag module from the snap-in clip for removal of the air bag module for service by removing the serviceability attachment feature from the fastening portion of the snap-in clip

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(similar to use with headliner configuration; paragraph 0039, lines 5-10). The examiner notes that the Lubera et al. reference does not include drawings of the side-curtain air bag assembly that Lubera et al. disclose in the specification (paragraph 0041, lines 3-9), but one skilled in the art can deduce that in the side-curtain air bag configuration, the vehicle surface (#308) would be the roof rail. The examiner also notes that it is old and well known in the art that snap-in clips of the type disclosed by Lubera et al. are particularly advantageous for blind assembly processes, such as installation of a roof rail air bag from outside the vehicle. Lubera et al. disclose a side-curtain airbag assembly, rather than a roof rail airbag assembly. Tajima et al. teach a roof rail air bag assembly that is a side-curtain air bag assembly (can be seen in figures 1, 2). It would have been obvious to one skilled in the art at the time that the invention was made to modify the side-curtain air bag assembly of Lubera et al. such that it comprised a roof rail air bag assembly as claimed in view of the teachings of Tajima et al. so as to protect the upper body of vehicle occupants with an air bag that is conveniently disposed within a roof rail. The method of claim 7 reads on the apparatus described above (paragraph 0042).

In regards to claims 2-5, 8, 9, and 11, Lubera et al. do not disclose the specific features of the side-curtain air bag assembly. Tajima et al. teach a roof rail air bag assembly (#M1-M4) for a vehicle having a roof rail (#RR), comprising an air bag module (#M1-M4), an air bag inflator (#31), and an air bag (#23, 23A) with at least one cushion retention tab (#26, 28), an inflator bracket (#33) having an inflator support portion (#33a) supporting the air bag inflator (#32) and an attachment portion (#33c) having a

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mounting tab for receiving a bolt (#35; location of bolt similar to location of Lubera et al.'s serviceability attachment feature) and for capturing the at least one cushion retention tab (#26, 28) between the inflator bracket (#33) and a clip (#37; location of clip similar to location of Lubera et al.'s snap-in clip) prior to attaching the clip to the cushion retention tab (column 18, lines 23-51). Tajima et al. also teach an air bag cover (#27) protectingly covering the air bag and having a tear seam along one edge (any portion of the cover #27 can become a tear seam; column 9, lines 17-19), the cushion retention tab (#26, 28) extending through the air bag cover (bottom portion of #26; can be seen in figure 20) for at least partially supporting the air bag and the air bag cover. Further, Tajima et al. teach the mounting tab (#33c) of the inflator bracket (#33) being attached to the clip (#37) with the bolt (#35). It would have been obvious to one skilled in the art at the time that the invention was made to modify the roof rail air bag assembly of Lubera et al. such that it comprised an air bag inflator bracket having a support portion and an attachment portion, an air bag cover, and an inflator bracket mounting tab attached to the snap-in clip with the serviceability attachment feature as claimed in view of the teachings of Tajima et al. so as to properly secure an inflator to the roof rail of a vehicle (Tajima et al.: column 6, lines 47-49), so as to support the air bag in its folded state until inflation occurs (Tajima et al.: column 17, lines 49-53), and so as to detachably secure the inflator to the roof rail (column 6, line 65-column 7, line 4). In addition, the examiner notes that while the Lubera et al. reference does not disclose the details of the roof rail air bag assembly, such assemblies are old and well known in the art.

Response to Arguments

4. Applicant's arguments filed 17 September 2004 have been fully considered but they are not persuasive.

In regards to applicant's arguments on page 6, the "cushion retention tab" feature is sufficiently broad to include any tab, flange, or mounting surface that helps in retaining a cushion on another surface. Thus, the mounting flange (#340) reads on the "cushion retention tab". There is no disclosure in the claim that the airbag must be in a certain position with respect to the clip or the tab.

In regards to applicant's arguments on pages 7-8, while Lubera et al. disclose use of the clip fastener with different types of airbag modules, including side curtain airbags, Lubera et al. do not disclose the particulars of these different airbag modules. Thus, the Tajima et al. reference has been incorporated into the rejection simply to teach the specifics of side curtain and roof rail side airbag modules. The examiner has combined these references to teach that Lubera et al.'s clip fastener, which is currently being used with an airbag module, can also be used with a roof rail air bag module, the features of which are well known in the art, but are also taught by the Tajima et al. reference. In addition, the "cushion retention tab" feature is sufficiently broad to include any tab, flange, or mounting surface that helps in retaining a cushion on another surface. Thus, the installation portion (#26, 28) reads on the "cushion retention tab".

In regards to applicant's arguments on page 9, the embodiment shown in figure 15 in the Lubera et al. reference clearly shows the attachment of the snap-in clip (#10a) at the cushion retention tab (#340) using the serviceability attachment feature (#74).

In regards to applicant's arguments on page 10, it is indeed old and well known in the art to use snap-in clips, commonly called Christmas-tree fasteners or push nuts, for performing blind installations in a vehicle. The examiner has included the Postadan et al. reference for support of this concept.

The applicant is also reminded that a recitation with respect to the manner in which a claimed apparatus is intended to be employed does not differentiate the claimed apparatus from a prior art apparatus satisfying the claimed structural limitations, provided that the prior art apparatus is able to be used in the manner set forth in the intended use recitation.

Conclusion

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

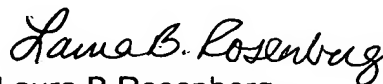
A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

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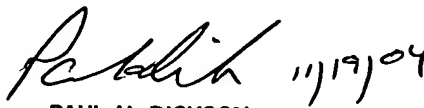
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Laura B Rosenberg whose telephone number is (703) 305-3135. The examiner can normally be reached on Monday-Friday 7:00am-3:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paul Dickson can be reached on (703) 308-2089. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Laura B Rosenberg
Patent Examiner
Art Unit 3616

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